

**MINUTES OF THE COMMITTEE
ON
APPROPRIATIONS**

Wednesday, July 25, 2007

11:00 a.m.

Room 352, State Capitol

The House Standing Committee on Appropriations was called to order by the Chairman, Representative George Cushingberry, Jr.

An Invocation was offered by Reverend Robert Dean, State Representative from the 75th District.

Members present: Representatives Cushingberry, Gillard, Bauer, Bennett, Byrnes, Cheeks, Espinoza, Gonzales, Hammel, Hood, Jackson, Lahti, LeBlanc, McDowell, Sak, Alma Smith, Spade, Vagnozzi, Acciavatti, Caswell, Shaffer, Brandenburg, Amos, Booher, Caul, Hansen, Proos, Agema, Moss and Nofs.

Members absent/excused: None.

Representative Gillard moved to approve the minutes of the meetings held on June 20, 2007, June 27, 2007 and June 28, 2007. Representative Sak supported the motion. Without objection the motion prevailed by unanimous consent.

Chairman Cushingberry made opening remarks regarding the enjoyment of this Great Lake State's Parks and Natural Resources.

Chairman Cushingberry laid before the Committee HB 4829.

HB 4829 Valentine Appropriations; natural resources; natural resources trust fund; provide appropriations for.

The Chairman recognized Representative Lahti for opening remarks on the bill.

Kirk Lindquist, Senior Analyst for the House Fiscal Agency gave further explanation of the bill.

Dennis Fedewa, Deputy Director for the Department of Natural Resources, answered questions of the committee members regarding the bills.

Representative Lahti moved to adopt substitute H-1.
Representative McDowell supported the motion.

The motion prevailed by a vote of 30-0-0.

FAVORABLE ROLL CALL:

YEAS: Representatives Cushingberry, Gillard, Bauer, Bennett, Byrnes, Cheeks, Espinoza, Gonzales, Hammel, Hood, Jackson, Lahti, LeBlanc, McDowell, Sak, Alma Smith, Spade, Vagnozzi Acciavatti, Caswell, Shaffer, Brandenburg, Amos, Booher, Caul, Hansen, Proos, Agema, Moss, and Nofs.

NAYS: None.

PASS: None.

Following discussions Chairman Cushingberry requested that the DNR subcommittee conduct a hearing to report operations and trust fund awards.

Representative Lahti moved to report HB 4829 with recommendation as substitute H-1. Representative Bauer supported the motion.

The motion prevailed by a vote of 29-0-0.

FAVORABLE ROLL CALL:

YEAS: Representatives Cushingberry, Gillard, Bauer, Bennett, Byrnes, Cheeks, Espinoza, Gonzales, Hammel, Hood, Jackson, Lahti, LeBlanc, McDowell, , Alma Smith, Spade, Vagnozzi Acciavatti, Caswell, Shaffer, Brandenburg, Amos, Booher, Caul, Hansen, Proos, Agema, Moss, and Nofs.

NAYS: None.

PASS: None.

Chairman Cushingberry recognized Representative Sak who gave his voting intention as voting yes to report out HB 4829.

Chairman Cushingberry laid before the Committee HB 4354.

HB 4354 Lahti Appropriations; natural resources; department of natural resources; provide for fiscal year 2007-2008.

The Chairman recognized Representative Lahti for explanation of the bill.

Representative Lahti moved to adopt substitute (H-1) Draft 2 to HB 4354. Representative Spade supported the motion.

The motion prevailed by a vote of 30-0-0

FAVORABLE ROLL CALL:

YEAS: Representatives Cushingberry, Gillard, Bauer, Bennett, Byrnes, Cheeks, Espinoza, Gonzales, Hammel, Hood, Jackson, Lahti, LeBlanc, McDowell, Sak, Alma Smith, Spade, Vagnozzi Acciavatti, Caswell, Shaffer, Brandenburg, Sak, Booher, Caul, Hansen, Proos, Agema, Moss, and Nofs.

NAYS: None.

PASS: None.

Representative Spade moved to amend HB 4354 substitute (H-1) Draft 2 as follows:

1. Amend Page 11, line 16, by striking out “1,596,500” and inserting “2,596,500”.
2. Amend page 12, line 4, by striking out “21,035,000” and inserting “22,035,000”, and adjusting the subtotals, totals, and section 201 accordingly.
3. Amend page 29, line 4, by striking out “\$1,000.00” and inserting “\$1,000,000.00”.

Representative Lahti supported the motion.

The motion prevailed by a vote of 22-2-6.

FAVORABLE ROLL CALL:

YEAS: Representatives Cushingberry, Gillard, Bauer, Bennett, Byrnes, Cheeks, Espinoza, Gonzales, Hammel, Hood, Jackson, Lahti, LeBlanc, McDowell, Sak, Alma Smith, Spade, Vagnozzi, Caswell, Caul, Hansen, Nofs.

NAYS: Representatives Brandenburg, Agema.

PASS: Representatives Acciavatti, Shaffer, Amos, Booher, Proos, Moss.

Representative Booher moved to amend HB 4354 substitute (H-1) Draft 2 as follows:

1. Amend page 22, following line 22, by striking out all of section 217.

Representative Hansen supported the motion.

The motion failed by a vote of 12-18-0.

UNFAVORABLE ROLL CALL:

YEAS: Representatives Acciavatti, Caswell, Shaffer, Brandenburg, Amos, Booher, Caul, Hansen, Proos, Agema, Moss, Nofs.

NAYS: Representatives Cushingberry, Gillard, Bauer, Bennett, Byrnes, Cheeks, Espinoza, Gonzales, Hammel, Hood, Jackson, Lahti, LeBlanc, McDowell, Sak, Alma Smith, Spade, Vagnozzi.

PASS: None.

Representative Booher moved to amend HB 4354 substitute (H-1) Draft 2 as follows:

1. Amend page 25, following line 10, by inserting:

“Sec. 221. The department shall not take disciplinary action against an employee for truthfully and factually communicating with a member of the legislature or his or her staff.”

Representative Hansen supported the motion.

The motion prevailed by a vote of 21-8-1.

FAVORABLE ROLL CALL:

YEAS: Representatives Bauer, Bennett, Cheeks, Gonzales, LeBlanc, Sak, Alma Smith, Spade, Vagnozzi, Acciavatti, Caswell, Shaffer, Brandenburg, Amos, Booher, Caul, Hansen, Proos, Agema, Moss, Nofs.

NAYS: Representatives Gillard, Byrnes, Espinoza, Hammel, Hood, Jackson, Lahti, McDowell.

PASS: Representative Cushingberry.

Representative Booher moved to amend HB 4354 substitute (H-1) Draft 2 as follows:

1. Amend page 26, following line 21, by inserting:

“Sec. 406. The department shall not increase campground reservation, permit, or user fees at any time during the fiscal year ending September 30, 2008.”

Representative Hansen supported the motion.

The motion failed by a vote of 12-18-0.

UNFAVORABLE ROLL CALL:

YEAS: Representatives Acciavatti, Caswell, Shaffer, Brandenburg, Amos, Booher, Caul, Hansen, Proos, Agema, Moss, Nofs.

NAYS: Representatives Cushingberry, Gillard, Bauer, Bennett, Byrnes, Cheeks, Espinoza, Gonzales, Hammel, Hood, Jackson, Lahti, LeBlanc, McDowell, Sak, Alma Smith, Spade, Vagnozzi.

PASS: None.

Representative Booher moved to amend HB 4354 substitute (H-1) Draft 2 as follows:

1. Amend page 28, following line 18, by inserting:

“Sec. 706. The department shall establish a free weekend in the state parks on the 4th weekend of May. During this 3 day weekend, the department shall not charge state park visitors a day use or admission fee.”

Representative Acciavatti supported the motion.

Representative Booher withdrew the amendment.

Representative Acciavatti offered the following amendments to HB 4354, (H-1), Draft 2:

1. Amend page 4, line 17, by striking out "2,217,700", and inserting "1,997,600".

2. Amend page 4, line 27, by striking out "2,040,500", and inserting "1,820,400".
3. Amend page 5, line 25, by striking out "2,684,200", and inserting "2,540,300".
4. Amend page 6, line 14, by striking out "1,666,000", and inserting "1,522,100".
5. Amend page 7, line 9, by striking out "20,310,600", and inserting "20,014,100".
6. Amend page 7, line 20, by striking out "6,912,600", and inserting "6,616,100".
7. Amend page 9, line 3, by striking out "27,630,000", and inserting "26,000,600".
8. Amend page 9, line 17, by striking out "10,653,600", and inserting "9,024,200".
9. Amend page 9, line 27, by striking out "20,094,000", and inserting "17,613,900".
10. Amend page 10, line 12, by striking out "18,897,000", and inserting "16,416,900".
11. Amend page 11, line 9, by striking out "14,643,300", and inserting "14,439,700".
12. Amend page 12, line 6, by striking out "1,702,200", and inserting "1,498,600".
13. Amend page 12, line 18, by striking out "32,742,600", and inserting "29,888,700".
14. Amend page 13, line 2, by striking out "18,963,200", and inserting "16,109,300".
15. Amend page 13, line 11, by striking out "4,700,000", and inserting "4,575,000".
16. Amend page 13, line 16, by striking out "1,715,000", and inserting "1,590,000", and amending the subtotals, totals, and section 201 accordingly.
17. Amend page 23, following line 19, by striking out all of section 218.

Representative Moss supported the motion.

The motion failed by a vote of 12-18-0.

UNFAVORABLE ROLL CALL:

YEAS: Representatives Acciavatti, Caswell, Shaffer, Brandenburg, Amos, Booher, Caul, Hansen, Proos, Agema, Moss, Nofs.

NAYS: Representatives Cushingberry, Gillard, Bauer, Bennett, Byrnes, Cheeks, Espinoza, Gonzales, Hammel, Hood, Jackson, Lahti, LeBlanc, McDowell, Sak, Alma Smith, Spade, Vagnozzi.

PASS: None.

Representative Caswell moved to amend HB 4354 substitute (H-1) Draft 2 as follows:

1. Amend page 25, following line 10, by inserting:

“Sec. 221. The department shall schedule and promote a youth free fishing weekend. All license and permit fees shall be waived for any person younger than 17 years old wishing to fish between Friday and Monday on dates established by the natural resources commission.”

Representative Hansen supported the motion.

Representative Caswell respectively withdrew the amendment.

Representative Lahti moved to report HB 4354 with recommendation as substitute H-1.

Representative Bauer supported the motion.

The motion prevailed by a vote of 18-4-8.

FAVORABLE ROLL CALL:

YEAS: Representatives Cushingberry, Gillard, Bauer, Bennett, Byrnes, Cheeks, Espinoza, Gonzales, Hammel, Hood, Jackson, Lahti, LeBlanc, McDowell, Sak, Alma Smith, Spade, Vagnozzi.

NAYS: Representatives Acciavatti, Brandenburg, Amos, Agema.

PASS: Representatives Caswell, Shaffer, Booher, Caul, Hansen, Proos, Moss, Nofs.

Chairman Cushingberry laid before the Committee HB 4358.

HB 4358	Bennett	Appropriations; environmental quality; department of environmental quality; provide for fiscal year 2007-2008.
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Chairman Cushingberry recognized Representative Bennett for opening remarks on the bill.

Carol Linteau, Legislative Liaison, Department of Environmental Quality along with Kirk Lindquist, Analyst from the House Fiscal Agency answered questions of the Committee.

Following discussion on the bill Chairman Cushingberry requested a report from the Department of Environmental Quality to the Committee.

Representative Bennett moved to adopt substitute (H-1) Draft 2 to HB 4358.

Representative Vagnozzi supported the motion.

The motion prevailed by a vote of 28-0-0.

FAVORABLE ROLL CALL:

YEAS:Representatives Cushingberry, Gillard, Bauer, Bennett, Byrnes, Cheeks, Espinoza, Gonzales, Hammel, Hood, Jackson, Lahti, LeBlanc, McDowell, Alma Smith, Spade, Vagnozzi, Acciavatti, Shaffer, Brandenburg, Sak, Booher, Caul, Hansen, Proos, Agema, Moss, and Nofs.

NAYS: None.

PASS: None.

Representative Proos moved to amend HB 4358 substitute (H-1) Draft 2 as follows:

1. Amend page 27, following line 2, by inserting:

“Sec. 221. The department shall not take disciplinary action against an employee for truthfully and factually communicating with a member of the legislature or his or her staff.”

Representative Acciavatti supported the motion.

The motion prevailed by a vote of 21-8-0

FAVORABLE ROLL CALL:

YEAS:Representatives Cushingberry, Bauer, Bennett, Cheeks, Gonzales, LeBlanc, Alma Smith, Spade, Vagnozzi, Acciavatti, Caswell Shaffer, Brandenburg, Amos, Booher, Caul, Hansen, Proos, Agema, Moss, Nofs.

NAYS:Representatives Gillard, Byrnes, Espinoza, Hammel, Hood, Jackson, Lahi, McDowell.

PASS: None.

The Committee stood at ease at 1:30 p.m.

Chairman Cushingberry called the committee back to order at 2:15 p.m.

Jim Kasprzak, Budget Officer from the Department of Environmental Quality answered further questions of the committee.

Representative Proos moved to amend HB 4358 substitute (H-1) Draft 2 as follows:

1. Amend page 15, line 7, by striking out "7,466,300" and inserting "6,966,300".
2. Amend page 15, line 19 by striking out "4,214,000" and inserting "3,714,000", and adjusting the subtotals, totals, and section 201 accordingly

Representative Agema supported the motion.

The motion failed by a vote of 11-18-1.

UNFAVORABLE ROLL CALL:

YEAS: Representatives Acciavatti, Caswell, Shaffer, Brandenburg, Booher, Caul, Hansen, Proos, Agema, Moss, Nofs.

NAYS: Representatives Cushingberry, Gillard, Bauer, Bennett, Byrnes, Cheeks, Espinoza, Gonzales, Hammel, Hood, Jackson, Lahti, LeBlanc, McDowell, Sak, Alma Smith, Spade, Vagnozzi.

PASS: Representative Nofs.

Representative Proos moved to amend HB 4358 substitute (H-1) Draft 2 as follows:

1. Amend page 27, following line 2 by inserting:

"Sec. 221. The department of environmental quality shall not expend funds to enforce administrative rules, policies, guidelines, or procedures that are more stringent than 40 CFR parts 9, 122, 123, and 142, as finally promulgated. The department shall not implement or enforce administrative rules, policies, guidelines, or procedures that do 1 or more of the following:

(a) Require a farm to obtain a national pollution discharge elimination system permit under part 31 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.3101 to 324.3133, if the farm has not been found by the department to have a regulated discharge of pollutants into waters of this state.

(b) Require submission of field specific information beyond on-site access to the department.

(c) Exceed the agricultural stormwater exemption as defined in the clean water act, 33 USC 1251 to 1387."

Representative Acciavatti supported the motion.

Chairman Cushingberry ruled the amendment not germane.

Representative Proos challenged the ruling of the Chair.

Representative Acciavatti supported the motion.

The ruling of the Chair was sustained by a vote 18-12-0.

FAVORABLE ROLL CALL:

YEAS: Representatives Cushingberry, Gillard, Bauer, Bennett, Byrnes, Cheeks, Espinoza, Gonzales, Hammel, Hood, Jackson, Lahti, LeBlanc, McDowell, Sak, Alma Smith, Spade, Vagnozzi.

NAYS: Representatives Acciavatti, Caswell, Shaffer, Brandenburg, Amos, Booher, Caul,

Hansen, Proos, Agema, Moss, Nofs.
PASS: None.

Representative Proos offered the following amendments to HB 4358 (H-1) Draft 1:

1. Amend page 27, following line 15, by inserting:

"Sec. 502. Any funds collected from marina operators shall be deposited into a restricted fund sub-account for dredging low level navigational waterways. Revenue collected from marina operator permit fees shall be deposited into this fund if the department finds that decreased water levels have been caused by falling water tables in the Great Lakes watershed."

Chairman Cushingberry ruled the amendment not germane.

Representative Proos challenged the ruling of the Chair.

Representative Caswell supported the motion.

The ruling of the Chair was sustained by a vote 18-12-0.

FAVORABLE ROLL CALL:

YEAS: Representatives Cushingberry, Gillard, Bauer, Bennett, Byrnes, Cheeks, Espinoza, Gonzales, Hammel, Hood, Jackson, Lahti, LeBlanc, McDowell, Sak, Alma Smith, Spade, Vagnozzi.

NAYS: Representatives Acciavatti, Caswell, Shaffer, Brandenburg, Amos, Booher, Caul, Hansen, Proos, Agema, Moss, Nofs.

PASS: None.

Chairman Cushingberry noted the request of Representative Caswell for information from the Department of Environmental Quality.

Representative Bennett moved to report HB 4358 with recommendation as substitute H-1.

Representative Vagnozzi supported the motion.

The motion prevailed 18-8-4.

FAVORABLE ROLL CALL:

YEAS: Representatives Cushingberry, Gillard, Bauer, Bennett, Byrnes, Cheeks, Espinoza, Gonzales, Hammel, Hood, Jackson, Lahti, LeBlanc, McDowell, Sak, Alma Smith, Spade, Vagnozzi.

NAYS: Representatives Acciavatti, Brandenburg, Amos, Booher, Hansen, Agema, Moss, Nofs.

PASS: Representatives Caswell, Shaffer, Caul, Proos.

Chairman Cushingberry made remarks regarding the budget and announced the Education Budgets for next meeting and the remaining budget bills the following week.

There being no further business before the committee and seeing no objection, Chairman Cushingberry adjourned the meeting, the time being 2:50 p.m.

Representative George Cushingberry, Jr. Chair_____

Darlene Moore, Committee Clerk, (517) 373-2994